

PATENT Case No. MCO58YP
DT03 Rec'd PCT/PTO 6 MAR 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Billot, et al.

Serial No. 10/511,736

Filed: October 18, 2004

For: EP4 RECEPTOR AGONIST, COMPOSITIONS AND
METHODS THEREOF

Art Unit: To be assigned

Examiner: to be assigned

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

**INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97**

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to 37 C.F.R. 1.98 (a)(2)(ii), copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By Ray A. Rickson Date 3-14-05

INFORMATION DISCLOSURE STATEMENT

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: Sylvia A. Ayler

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Date: March 14, 2005

Substitute for form 1449A/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (use as many sheets as necessary)			COMPLETE IF KNOWN	
Application Number		10/511,7		
Filing Date		October 18, 2004		
First Named Inventor		Billot, et al.		
Group Art Unit		To be assigned		
Examiner Name		To be assigned		
Attorney Docket Number		MCO58YP		
Sheet 1	of 3			

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Number	Kind Code (if known)		
/S.B./		4,386,098		Woltersdorf, Jr.	05/31/1983
/S.B./		4,416,890		Woltersdorf, Jr.	11/22/1983
/S.B./		4,426,388		Woltersdorf, Jr.	01/17/1984
/S.B./		4,668,697		Shepard, et al.	05/26/1987
/S.B./		4,863,922		Baldwin, et al.	09/05/1989
/S.B./		4,797,413		Baldwin, et al.	01/10/1989
/S.B./		5,378,703		Dean, et al.	01/03/1995
/S.B./		5,240,923		Dean, et al.	08/31/1993
/S.B./		5,153,192		Dean, et al.	10/06/1992
/S.B./		4,883,819		Bito, et al.	11/28/1989
/S.B./		4,824,857		Goh, et al.	04/25/1989
/S.B./		5,001,153		Ueno, et al.	03/19/1991
/S.B./		4,599,353		Bito, et al.	07/08/1986
/S.B./		6,043,275		Maruyama, et al.	03/28/2000
/S.B./		5,698,598		Woodward, et al.	05/01/698
/S.B./		5,462,968		Woodward, et al.	10/31/1995
/S.B./		6,344,477 B1		Sharif, et al.	02/05/2002
/S.B./		5,889,052		Klimko, et al.	03/30/1999
/S.B./		5,296,504		Stjerschantz, et al.	03/22/1994
/S.B./		5,422,368		Stjerschantz, et al.	06/06/1995

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		PCT	WO 00/38667 A2		Alcon Laboratories, Inc.	07/06/2000
/S.B./		PCT	WO 99/32441		Alcon Laboratories, Inc.	07/01/1999
/S.B./		PCT	WO 99/02165		Pharmacia & Upjohn AB	01/21/1999
/S.B./		PCT	WO 00/38663		Alcon Laboratories, Inc.	07/06/2000
/S.B./		PCT	WO01/46140 A1		Pfizer Products Inc.	06/28/2001
/S.B./		EP	0 855 389 A2		Ono Pharmaceutical Co., Ltd.	01/26/1998
		JP	2000-1472			
/S.B./		PCT	WO 00/38690		Alcon Laboratories, Inc.	07/06/2000
/S.B./		PCT	WO 02/24647 A1		Ono Pharmaceutical Co. Ltd.	03/28/2002
/S.B./		PCT	WO 02/42268 A2		Pfizer Products Inc.	05/30/2002

Examiner Signature	Date Considered
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COMPLETE IF KNOWN

Application Number	10/511,700
Filing Date	October 18, 2004
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Group Art Unit	To be assigned
Examiner Name	To be assigned
Attorney Docket Number	MCO58YP

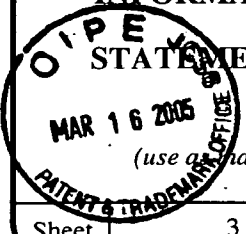
Sheet	2	of	3
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		Office	Number	Kind Code (if known)		
/S.B./		EP	1 132 086 A2/A3		Pfizer Products Inc.	01/25/2001
/S.B./		EP	1 114816 A1		Ono Pharmaceutical Co., Ltd.	09/10/1999
/S.B./		PCT	WO 01/72268 A1		Toray Industries Inc.	12/04/2001
/S.B./		PCT	WO 02/077168 A2		Merck & Co., Inc.	10/03/2002
/S.B./		PCT	WO 02/060863 A1		Merck & Co., Inc.	08/08/2002
/S.B./		PCT	WO 94/13275		Massachusetts Eye & Ear Infirmary	06/23/1994
			Belgium Patent 672,205		Roeder & Gamble Company	11/10/1965
/S.B./		EP	0 561 073 A1		R-Tech Ueno, Ltd.	08/24/1992

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT  (use as many sheets as necessary)			COMPLETE IF KNOWN	
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Sheet	3	of	3	

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
/S.B./	AA	Ichikawa, et al., J. Lipid Mediators Cell signalling, "Molecular aspects of the structures and functions of the prostaglandin E receptors", (1996), Vol. 14, pp. 83-87
/S.B./	AB	Flach, et al., Journal of Ocular Pharmacology, "Topical Prostaglandin E2 Effects on Normal Human Intraocular Pressure", (1988), Vol. 4, No. 1, pp. 13-18
/S.B./	AC	Woodward, et al., Journal of Ocular Pharmacology and Therapeutics, "Molecular Characterization and Ocular Hypotensive Properties of the Prostanoid EP2 Receptor", (1995), Vol. 11, No. 3, pp. 447-454
/S.B./	AD	Woodward, et al., Journal of Lipid Mediators, "Intraocular pressure effects of selective prostanoid receptor agonists involve different receptor subtypes according to radioligand binding studies", (1993), Vol. 6, pp. 545-553
/S.B./	AE	Waterbury, et al., Investigative Ophthalmology & Visual Science, "EP3 But Not EP2, FP or TP Prostanoid-Receptor Stimulation May Reduce Intraocular Pressure", (1990), Vol. 31, No. 12, pp. 2560-2567
/S.B./	AF	Gipson, et al., Progress in Retinal and Eye Research, "Mucin Genes Expressed by the Ocular Surface Epithelium", (1997), Vol. 16, No. 1, pp. 81-98
/S.B./	AG	Dartt, et al., Current Eye Research, "Localization of nerves adjacent to goblet cells in rat conjunctiva", (1995), Vol. 14, pp. 993-1000
/S.B./	AH	Robert A. Schumer, Arch. Ophthalmol, "The Nerve of Glaucoma", (1994), Vol. 112, pp. 37-44
/S.B./	AI	Dandona, et al., Invest. Ophthalmol. Vis. Sci., "Selective Effects of Experimental Glaucoma on Axonal Transport by Retinal anglion Cells to the Dorsal Lateral Geniculate Nucleus", (1991), Vol. 32, No. 5, pp. 1593-1599
/S.B./	AJ	Quinby, et al., J. Org. Chem., "Tetrasodium Carbonyldiphosphonate, Synthesis, Reactions, and Spectral Properties, (1967), Vol. 32, pp. 4111
/S.B./	AK	Yoda, et al., Tetrahedron: Asymmetry, "An Expeditious and Practical Synthetic Process for Phytosphingosine and Tetrahydroxy-LCB from D-Glutamic Acid, (1996), Vol. 7, No. 7, pp. 2113-2116
/S.B./	AL	Elliott M. Ross, Goodman & Gilman's The Pharmacological Basis of Therapeutics, "PHARMACODYNAMICS Mechanisms of Drug Action and the Relationship Between Drug Concentration and Effect", Ninth Edition, Chapter 2, (1996)
/S.B./	AM	Lemp, et al., The CLAO Journal, Report of the National Eye Institute/Industry Workshop on Clinical Trials in Dry Eyes", (1995), Vol. 21, No. 4, pp. 221-231
/S.B./	AN	Ikeda, et al., J. Bone Miner Res. 10, In situ localization of three subtypes (EP1, EP3 and EP4) of prostaglandin E receptors in embryonic and newborn mice", (sup 1):S172

ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /S.B./

Examiner Signature	/Sean Basquill/	Date Considered	07/23/2008
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*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

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